

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

**IN RE: AME CHURCH EMPLOYEE
RETIREMENT FUND LITIGATION**

MDL Docket No. 1:22-md-03035-STA-jay

ALL CASES

**SYMETRA FINANCIAL CORPORATION'S
MOTION TO DISMISS OR STAY DEFENDANT
AFRICAN METHODIST EPISCOPAL CHURCH'S
THIRD-PARTY COMPLAINT**

Markham R. Leventhal
Benjamin M. Stoll
CARLTON FIELDS, P.A.
Suite 400 West
1025 Thomas Jefferson Street, NW
Washington, DC 20007
Telephone: (202) 965-8189
Facsimile: (202) 965-8104

Todd M. Fuller
CARLTON FIELDS, P.A.
2 MiamiCentral, Suite 1200
700 NW 1st Avenue
Miami, Florida 33136
Telephone: (305) 530-0050
Facsimile: (305) 530-0055

*Attorneys for Defendant
Symetra Financial Corporation*

Third-Party Defendant Symetra Financial Corporation (“SFC”), by and through its undersigned counsel, hereby moves to dismiss all claims against it in the Third-Party Complaint filed by Defendant/Cross-Plaintiff African Methodist Episcopal Church (“AMEC”), pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(2).

For the reasons described in the accompanying memorandum of law, this Court lacks personal and subject matter jurisdiction over SFC. Accordingly, SFC moves this Court for an order dismissing all of the claims against it and dismissing it from this lawsuit.

Pursuant to Section 3 of the Federal Arbitration Act, if for any reason the Court denies SFC’s motion to dismiss for lack of jurisdiction, SFC moves to stay all claims alleged against it by AMEC in the third-party complaint for the reasons set forth in the accompanying memorandum of law and in Symetra Life Insurance Company’s prior filings requesting a stay pending the completion of the pending arbitration (ECF No. 259, 270, 281), which are incorporated into this motion.

Dated: September 25, 2023

Respectfully submitted,

/s/ Markham R. Leventhal

Markham R. Leventhal (DC Bar No. 489597)

Benjamin M. Stoll (DC Bar No. 1006837)

CARLTON FIELDS, P.A.

Suite 400 West

1025 Thomas Jefferson Street, NW

Washington, DC 20007

Telephone: (202) 965-8189

mleventhal@carltonfields.com

bstoll@carltonfields.com

Todd M. Fuller (FL Bar No. 666211)
CARLTON FIELDS, P.A.
2 MiamiCentral, Suite 1200
700 NW 1st Avenue
Miami, Florida 33136
Telephone: (305) 530-0050
tfuller@carltonfields.com

*Attorneys for Defendant
Symetra Financial Corporation*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of September, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which in turn will automatically serve all counsel of record who are registered users of the CM/ECF system.

/s/ Markham R. Leventhal

Markham R. Leventhal

134015452